

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest	)	MEMORANDUM DECISION
of D.A., a person under	)	(Not For Official Publication)
eighteen years of age.	)	
_____	)	Case No. 20080831-CA
	)	
J.A.,	)	F I L E D
	)	(January 2, 2009)
Appellant,	)	
	)	2009 UT App 4
v.	)	
	)	
State of Utah,	)	
	)	
Appellee.	)	

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Second District Juvenile, Ogden Department, 540374  
The Honorable Kathleen M. Nelson

Attorneys: Travis R. Marker and Randall W. Richards, Ogden, for Appellant  
Mark L. Shurtleff, John M. Peterson, and Carol L.C. Verdoia, Salt Lake City, for Appellee  
Martha Pierce, Salt Lake City, Guardian Ad Litem

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Before Judges Greenwood, Billings, and Orme.

PER CURIAM:

J.A. (Father) appeals the termination of his parental rights in D.A. Father asserts that (1) his relinquishment of parental rights was invalid because it was induced through undue influence and duress and (2) his counsel was ineffective. We affirm.

When a parent relinquishes his parental rights under Utah Code section 78A-6-514, the relinquishment is effective immediately upon signing and is irrevocable. See Utah Code Ann. § 78A-6-514(4) (2008). For a voluntary relinquishment to be effective, a juvenile court must find only that the parent "has read and understands the . . . relinquishment [petition] and has signed it freely and voluntarily" and determine that the relinquishment is in the child's best interest. Id. § 78A-6-

514(3), (5); see also In re A.G., 2001 UT App 87, ¶ 2, 27 P.3d 562. Here, the juvenile court's termination order certified that Father understood the relinquishment and voluntarily signed it. These findings will not be overturned "unless they are clearly erroneous, meaning that they are against the clear weight of the evidence." Id., ¶ 4.

At a September 25, 2008 hearing, Father signed a petition for voluntary relinquishment of parental rights outlining the rights he was relinquishing and specifically stating that he did so voluntarily without coercion or undue influence. Father echoed these statements to the juvenile court during a colloquy. As a result, the juvenile court found that Father signed his relinquishment freely and voluntarily. Accordingly, the juvenile court's findings are supported by the clear weight of the evidence before the court.<sup>1</sup>

Father next argues that his trial counsel was ineffective because trial counsel coerced Father into signing the petition for voluntary relinquishment. Father's claim fails because there is no evidence in the record that would allow this court to review Father's assertion that his trial counsel coerced him into signing the relinquishment. Rule 24(a)(9) of the Utah Rules of Appellate Procedure requires that all arguments contain "citations to the authorities, statutes, and parts of the record relied on." Utah R. App. P. 24(a)(9). Because Appellant has failed to cite to any part of the record that would support his ineffective assistance claim, we refuse to consider it.<sup>2</sup> See State v. Thomas, 1999 UT 2, ¶ 11, 974 P.2d 269.

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<sup>1</sup>Father asserts that his trial counsel coerced him into signing the relinquishment and, therefore, his relinquishment was not voluntary. This allegation is not properly before us because it was not put before the juvenile court at the relinquishment hearing. While Father filed a postjudgment motion to set aside the voluntary relinquishment and termination order, this motion was not filed until after Father filed the notice of appeal. Accordingly, the matter may not be presented to this court without a new or amended notice of appeal from the denial of the postjudgment motion. See Utah R. App. P. 4(b)(2).

<sup>2</sup>As stated above, the record is limited to those pleadings and documents filed prior to the date Father filed his notice of appeal.

Accordingly, the order terminating Father's parental rights is affirmed.

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Pamela T. Greenwood,  
Presiding Judge

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Judith M. Billings, Judge

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Gregory K. Orme, Judge